

**REMARKS/ARGUMENTS**

In the Official Action, claims 25, 27-28, 30-40, and 44-52 were rejected under 35 U.S.C. § 102 (b) as being anticipated by OUCHI (the English machine translation of JP 2000-181784).

Upon entry of the present amendment, claims 27, 30, 37, 40, 47, and 50 have been amended. Claims 25, 32-36, 44, 46, and 48 have been cancelled. Claims 1-24, 26, 29, and 41-43 were previously cancelled. Thus, claims 27-28, 30-31, 37-40, 45, 47, and 49-52 are currently pending for reconsideration by the Examiner.

As stated above, claims 25, 27-28, 30-40, and 44-52 were rejected under 35 U.S.C. § 102 (b) as being anticipated by OUCHI. The present amendment has amended each of the two pending independent claims 47 and 50. Applicants respectfully submit that OUCHI fails to anticipate amended independent claims 47 and 50, because OUCHI does not disclose each and every feature recited in amended independent claims 47 and 50. Support for this amendment is at least provided in Applicants' specification, from page 35, line 26, through page 36, line 19 (SetFSInfoAddr (addr, size)).

With regard to amended independent claim 47, Applicants submit that amended independent claims 47 recites two distinctly different types of commands, that is, a "position setting command" and a "write command". The position setting command is a command for setting a position and a size of the first recording area in which file system management information is managed, including the address and the size of the first recording area. Additionally, it is emphasized that the position setting command is distinctly different from the write command for writing data.

Furthermore, amended independent claim 47 includes a storage to store the address included in the received position setting command. (See Applicants' Figure 12, register 12.)

The storage is provided separately from the first and second physical recording areas (memory 27 (recording areas 271, 272)).

According to amended independent claim 47, with the position setting command, the position and the size of the first recording area, in which files system management information is managed, is first set. Then, data writing is performed with the write command, in which the access area is decided (by the selector) to be the first recording area or the second recording area, according to the address stored in the storage (that is, the address defined by the position setting command.)

For example, referring to Applicants' Figure 15B, the first command (position setting command) sets the recording area for management information FAT1 with addr=32, size=1. Similarly, the second command (position setting command) sets the recording area for management information FAT2 with addr=34, size=1, and the third command (position setting command) sets the recording area for management information DIR with addr=64, size=1. The addresses set by those three commands are stored in the storage (FS management information storage register 26).

The fourth command is the write command for writing data (user data). The fifth command is the write command for writing data (management information FAT1). In this case, the address included in the fourth command is compared with the address stored in the storage (that is, the address set by the position setting command). (See S1709 in Applicants' Figure 17.) The address (addr=128) included in the fourth command (write command) does not match any addresses (addr=32, 34, 64) (for FAT1, FAT2, DIR) stored in the storage, that is, the address set by each first position setting command. Therefore, the data by the fourth command is written in

the recording area for the file data (the second physical recording area). (See S1711 in Figure 17.)

On the other hand, the address (addr=32) included in the fifth command matches the address (addr=32) stored in the storage (that is, the address set by the first position setting command), and thus the data by the fifth command is written in the recording area for FAT1 (the first physical recording area) which is defined by the first position setting command. (See S1710 in Figure 17.)

Applicants control information recording medium and method have the following advantages, caused by the above discussed features. According to Applicants' medium and method, the selector selects the recording area based on the address of the data to be written. If the addresses included in the write commands are different, then the two pieces of data are written to the different recording areas by the respective write commands, even though the two pieces of data have the same size. In distinct contrast, OUCHI selects the recording area based on the size of data to be written. Thus, two pieces of data are written to the same recording area, when the two pieces of data have the same size.

Furthermore, by the position setting command and the function of the selector, it is possible to set an area for recording file system management information to the specific physical recording are. Referring to Figure 13, the first (physical) recording area (271) has a data management unit of 512 Bytes, while the second (physical) recording area (272) has a data management unit of 16 KB. The first recording area is more suitable for recording the file system management information, because it has a small data management unit.

With the position setting command and the function of the selector, it is possible to set a recording area for the file system management information to the first recording area (271)

which is suitable for recording the file system management information. By setting the recording area, the file system management information is always written to the specific physical recording area. In contrast, if the recording area for file system management information is not set to a specific recording area, then data may be recorded to any one of unused physical areas, that is, the first recording area (271) or the second recording area (272).

Applicants submit that OUCHI fails to disclose the features recited in independent claims 47 and 50 that cause the above-stated operational advantages. More specifically, while OUCHI may arguably disclose the write command, OUCHI clearly does not disclose the position setting command. Additionally, OUCHI does not disclose the selector that selects the first or second recording area as an access area according to the address defined by the position setting command (the address stored in the storage). Furthermore, OUCHI does not disclose a storage operable to store the address included in the position setting command, because the position setting command is not disclosed by OUCHI.

For at least the reasons disclosed above, Applicants respectfully submit that OUCHI fails to anticipate amended independent claim 47, because OUCHI does not disclose each and every feature recited in amended independent claim 47. Additionally, Applicants submit that amended independent claim 50 is also patentable for reasons similar to the reasons discussed above regarding amended independent claim 47, because amended independent claim 50 recites features similar to the features recited in amended independent claim 47.

Applicants further submit that dependent claims 27-28, 30-31, 37-40, 45, 49, and 52, which depend from amended independent claim 47, and dependent claim 51, which depends from amended independent claim 50, are also patentable for at least the reasons discussed above

and further for the additional features recited therein. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

In conclusion, Applicants respectfully submit that currently pending claims 27-28, 30-31, 37-40, 45, 47, and 49-52 satisfy all of the regulatory and statutory requirements for patentability, for at least the reasons discussed above. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn, and that an indication of the allowability of claims 27-28, 30-31, 37-40, 45, 47, and 49-52 be provided in the next Official communication.

Finally, Applicants have made a sincere effort to place this patent application in condition for allowance. Thus, if the Examiner believes that there are any outstanding issues that may be readily resolved through a telephone call, including an Examiner's Amendment to place the application in condition for allowance, the Examiner is invited to call the undersigned at the telephone number listed at the end of this response.

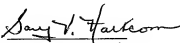
**SUMMARY**

From the amendments, remarks, and arguments provided above, Applicants respectfully submit that all of the pending claims in the present patent application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Official Action is respectfully requested, and an indication of the allowance of claims 27-28, 30-31, 37-40, 45, 47, and 49-52 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the present patent application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims that have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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